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In re Application of
Mathofer
Application No. 10/088,836
Filed: March 21, 2002
Attorney Docket No. BM-87PCT

OFFICE OF PETITIONS
ON PETITION

This decision concerns the May 3, 2004 "Petition to Revive Unintentionally Abandoned Application." The petition asserts non-receipt of an Office action and is being properly treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment in the above-referenced application.

The petition is **GRANTED**.

The application was held abandoned as of December 27, 2003 for failure to timely submit a proper reply to the September 26, 2003 non-final Office Action. The instant petition asserts non-receipt of this Office action, and indicates that this Office action may have been mailed to counsel's former address.

The petition argues, and the Office agrees, that the correspondence address for this application, as stated in the March 21, 2002 Form PTO-1390 for entering the national stage in the United States under 35 U.S.C. 371, is counsel's new and current address. Apparently, counsel's former address shown in the earlier application declaration was used instead.

In fact, the Office has located in the application file the package containing the September 26, 2003 non-final Office Action, mailed to counsel's former address and subsequently returned to the USPTO (see attached).

In view of the above, the September 26, 2003 non-final Office Action was indeed mailed to a wrong address and never received by counsel. The petition is thus granted and the April 1, 2004 Notice of Abandonment vacated.

No petition fee is owed. The \$1,330 payment enclosed with the petition and intended for a §1.137(b) petition has been credited to Deposit Account No. 11-1835 as authorized in the Form PTO-1390.

Finally, the correspondence address has been corrected.

The application file is being returned to Technology Center 3600 for re-mailing of the non-final Office action with a new due date.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.



RC Tang
Petitions Attorney
Office of Petitions

Attachment: September 26, 2003 non-final Office Action (courtesy copy)